

REMARKS

In the patent application, claims 1-7 are pending. In the office action, all pending claims are rejected.

Applicant has amended claims 1, 2 and 7 for formal matters. Applicant has also added new claims 8-13. The support for the new claims can be found on page 5, line 4 to page 6, line 5, of the specification. No new matter has been introduced.

At page 2 of the office action, claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by *Mukherjee et al.* (U.S. Patent Application Publication No. 2004/0010614, hereafter referred to as *Mukherjee*).

In rejecting claims 1 and 5, the Examiner states that *Mukherjee* discloses a method of signaling and negotiation between a client and a server as claimed.

In claim 1, the method comprises three steps:

the client provides information indicative of the attributes defining the adaptation mechanisms or capabilities;

the server selects one or more of the attributes; and

the server provides information to the client information indicative of the selected attributes so as to allow the client to know the one or more adaptation mechanisms or capabilities defined by the one or more attributes selected by the server.

It is respectfully submitted that *Mukherjee* discloses a method and system for scalable encoder media delivery. In [0075], *Mukherjee* discloses that the media destination (client) provides information corresponding receiving attributes of the media destination of at least one type of scalable encoded media. The transcoder (server) transcodes the formatted original scalable encoded media prior to delivery based on matching the scalability attributes and the receiving attributes.

The Examiner points to [0030, 0076; Figure 3B] for showing that the server further provides information to the client indicative of the selected attributes so as to allow to know the

one or more adaptation mechanisms or capabilities defined by the one or more attributes selected by the server.

It is respectfully submitted that Figure 3B only shows a format of each component header, which is part of the non-media specific format. As disclosed in [0040], the header starts with a flag specifying whether or not the media component is non-media specific formatted. If not, no transcoding is done. Otherwise, the component description follows in the header. The details of the component description are provided in [0041] to [0052].

[0030] discloses:

In general, the present invention is a system and method for scalable encoded media bit-stream delivery and provides a generic (i.e., non-media type specific) format for the scalable encoded media bit-stream. The system method and format provides seamless, flexible delivery to media destinations having a variety of receiving attributes such as receiving capabilities and preferences which is adapted based on the receiving capabilities of the media destination and media-specific and non-media specific scalability stream. Furthermore, the system and method is extensible to support adaptation and delivery of any new kind of scalable media that evolve in the future.

[0076] discloses:

In general, the transcoder may be connected directly to the media in which case the media destination directly provides (or the transcoder senses) the receiving attributes to the transcoder thereby enabling the transcoder to provide the scaled version of the formatted data. Alternatively, the transcoder may receive or sense aggregated capabilities of all downstream media destinations. In this case, the scalable encoded media data is delivered to the media destinations based on their aggregated capabilities. For instance, FIG. 9 shows a network including a plurality of transcoders each performing transcoding on the formatted media data in accordance with the present invention and dependent on the aggregated receiving attributes of the

downstream media destination receiving attributes (white arrows). Note that the single bit-stream of formatted media data generated by transcoders 90 and 91 will provide formatted media data that is adapted to the receiving attributes of both of the receiving destinations 93 and 94 and transcoder 92 generates individual formatted media data bit-streams each adapted to the capabilities of one of receiving destinations 93 and 94.

No where in the paragraphs [0030] and [0076] does *Mukherjee* disclose that the transcoder provides to the media destination information indicative of the selected attributes so as to allow the client to know the one or more adaptation mechanisms or capabilities defined by the one or more attributes selected by the server.

For the above reasons, *Mukherjee* does not anticipate claims 1 and 5.

As for claims 2-4, 6 and 7, they are dependent from claims 1 and 5 and recite features not recited in claims 1 and 5. For reasons regarding claims 1 and 5 above, claims 2-4, 6 and 7 are also distinguishable over the cited *Mukherjee* reference.

Newly added claims 8-13 are device claims having the limitations as included in claims 1-7. For reasons regarding claims 1-7 above. Claims 8-13 are distinguishable over the cited *Mukherjee* reference.

CONCLUSION

Claims 1-13 are allowable. Early allowance is earnestly solicited.

Respectfully submitted,



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